



TOWN OF TYNGSBOROUGH

Office of the Board of Selectmen

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APPROVED

Board of Selectmen Meeting Minutes

Monday, April 8, 2013 at 6:00 P.M.

Community Room, Town Offices, 25 Bryant Lane

Members Present: Selectman Rick Reault, Selectman Robert Jackson, Selectman Corliss Lambert, Selectwoman Karyn Puleo,

Member absent: Selectman Allen Curseaden

Staff Present: Town Administrator Michael Gilleberto, Assist Town Administrator Nina Nazarian, and Admin Assistant Therese Gay

The listing of matters are those reasonable anticipated by the Chairman which may be discussed at the meeting. Not all items listed may in fact be discussed, and other items not listed may also be brought up for discussion to the extent permitted by law. "Chairman Jackson read the following: "The following meeting is being recorded and broadcast through our local cable access channels on Comcast and Verizon FIOS. A recording of this meeting will also be available for viewing on our town's website - tyngsboroughma dot gov. Also, after instruction from the State Fire Marshall and the Tyngsborough Fire Chief, in the event of an emergency, there is an exit to my left and directly across from me, along the back wall."

1. 6:00 PM Open Meeting/Pledge of Allegiance/Board Introduction/Read Agenda

The Chairman opened the meeting at 6:00 PM. The Pledge of Allegiance was recited. The Agenda was read by Rick Reault, Clerk. The Board was introduced.

2. Meeting Minutes for Approval

A. Monday March 25, 2013

The Board voted 4-0-0 on a motion by Selectman Reault, second by Selectwoman Puleo to approve the minutes of Monday March 25, 2013.

Executive Session Minutes for Approval but not Release

B. Monday March 25, 2013

The Board voted 4-0-0 on a motion by Selectman Reault, second by Selectwoman Puleo to approve but not release the executive session minutes of Monday March 25, 2013.

3. Citizen/Business Time – No one came forward this evening.

Citizens or business owners may contact the Office of the Selectmen to request to address the Selectmen during citizen/business time. Citizens or business owners who have not contacted the Office of the Selectmen in advance may address the Board of Selectmen on matters of interest to the public for not more than five (5) minutes.

4. 6:05 New Business

A. Joint Meeting with Council on Aging – Senior Center Discussion

The Board met with the COA Members to discuss the proposed new senior center to be built on Westford Road. Ms. Martineau presented the concerns of the members in using the existing building. It is small and has one central meeting area, the kitchen is antiquated and the parking is at time taxing. When looking at the proposed center on Westford Road the Members question why two floors, some of the senior cannot do stairs, and after looking at the layout it is not quite what the seniors envision. They would like to see a ranch style building with separate rooms for different activities and would also like to see a room for the men to gather. The parking on the Westford Road site would be tight at best, not to mention the egress onto a busy road would be difficult for

some. The Board would need to have a professional to draw the plan with the vision of what the future will hold. The Board should put funds for the consultant, and will need to work with the builder as he has in his deed that he is to build a center and has been selling his houses with the idea of a center. The Board voted 4-0-0 on a motion by Selectman Reault, second by Selectman Lambert to authorize the Town Administrator and a Selectman to approach the developer for funds in lieu of.

B. School Committee item:

1. Massachusetts School Building Authority Statement of Intent –
Review/Approve

The School Department met with the Board to present the MSBA agreement the School Committee has approved the Statement of Intent and the MSBA requires the Board of Selectmen to also approve it prior to filing.

The Board after some discussions voted 4-0-0 on a motion by Selectman Reault, second by Selectman Lambert, the Board resolved: Having convened in an open meeting on April 8, 2013, the Board of Selectmen of Tyngsborough in accordance with its charter, by-laws, and ordinances, has voted to authorize the Superintendent to submit to the Massachusetts School Building Authority the Statement of Interest Form dated April 9, 2013 for the Tyngsborough Middle School located at 50 Norris Road Tyngsborough, MA which describes and explains the following deficiencies and the priority category(s) for which an application may be submitted to the Massachusetts School Building Authority in the future for replacement, renovation or modernization of school facility systems, such as roofs, windows, boilers, heating and ventilation systems, to increase energy conservation and decrease related costs in a school facility, and hereby further specifically acknowledges that by submitting this Statement of Interest Form, the Massachusetts School Building Authority in no way guarantees the acceptance or the approval of an application, the awarding of a grant or any other funding commitment from Massachusetts School Building Authority, or commits the City/Town/Regional School District to filing an application for funding with the Massachusetts School Building Authority.

2. Potential cable studio location – discussion

The School Committee is requesting to initiate a discussion concerning the potential location of a public access studio at the Middle School. The School is looking to place a cable access studio at the Middle School location. As part of the Board's review of cable-related infrastructure and needs in support our ongoing discussions with Comcast, a draft report is being developed for review by the Board of Selectmen. That report will include a general analysis of all Town cable facilities, which include public access studio alternatives in town, one of which could be the Middle School at the Norris Road Campus. Upon review and approval of the report by the Board, the designated negotiating team of Selectmen Reault and Lambert will utilize the information and projections included in their discussions with Comcast. I anticipate that report to be submitted to the Selectmen for their review at the end of April. A caution, the report will be a high-level overview with rough cost estimates intended to support our long-term planning. A decision concerning the location of a public access studio is required for our negotiations with Comcast to continue. The School Committee's proposed FY 2014 operating and capital budgets include \$166,000 requests for technology/infrastructure improvements. The Superintendent asks the Board to take under consideration. The Board thanked the Superintendent for bringing it forward.

C. Community Preservation Committee Signage – Review

The CPC Chairperson, Linda Geyer, was before the Board to discuss the number of signs they wish to place on the properties that were purchased or renovated with CPC funds. The Committee is looking at two types of signs which were presented. The Board thanked the Chairperson for coming in to present the signs, the Board is not favoring placing signs and would like to see plaques or smaller signs as opposed to the larger ones. The Board is not supportive at this time.

D. Annual/Special Town Meeting Warrant – Review and Discuss

The Administrator presented the first 13 procedural articles and the proposed 12 articles for Town Meeting and the 3 procedural special town meeting articles. A more detail description of the articles will be discussed at a future meeting. The Board is in support of the articles.

E. Police Chief Vacancy – Discussion

The Board discussed briefly the vacancy in the police department due to the retirement of the Chief. The Administrator will provide information and the Board is scheduled to talk about the position, the Administrator received 3 letters supporting Deputy Howe for the Chief's position. The Chairman requests that Deputy Howe attend the April 22 meeting for an interview.

F. Request to Purchase Property – 5 Industrial Way

The Administrator received a letter from Mr. Mitchell owner of KB Properties LLC & Mitchell Electric Inc, of 3 Industrial Way expresses interest in purchasing a Town owned parcel of land, known as 5 Industrial Way for the purpose of either expanding the business at 3 Industrial Way. After receiving the above referenced letter, this office solicited comments from departments/boards/commission for any concerns or potential future Town uses of the property. The departments/boards etc. did not express any concerns or identify any potential Town uses. The Sewer Commission however indicated that they have conceptually considered the possibility of building a garage for vehicles and equipment. The Commission has indicated that they are not prepared to conduct studies on the site to determine feasibility. The Town obtained the property through Tax Title in 1995. During a discussion with Town Counsel regarding the sale of the property, Counsel suggested that in the event that the Town pursued the sale, the Town will need to sell the property in public auction, given that the value of the property is greater than \$25,000 and ask the Administrator to confirm with the Sewer Dept. they no longer intends to utilize the property.

5. Old Business

A. Street Acceptance Program – Status

The Planning Board's staff and engineer have reviewed the list of 63 streets which have been built, but where bond money is not available. After research with the Registry of Deeds, review of the record plans, and a physical visit of each roadway the Planning Board's staff and engineer have identified 40 streets which are suitable to be approved at Town meeting. For these streets, the Town has a Subdivision Plan or a Plan of Lots on file and the streets are paved ways. The Planning Board voted at their April 4th meeting to forward 39 streets to the Board of Selectmen for street acceptance at the May Annual Town Meeting. After some discussions the Board voted 3-1-0 on a motion by Selectman Lambert, second by Selectman Reault to bring forward for consideration at Town Meeting. Selectwoman Puleo opposes the acceptance of the roads due to liability issues, and would like to see a more diligent approach.

B. MassDoT Projects – Update

The Administrator read the update by MassDot. Road Work: April 8th through April 19th: Roadway drainage installation. April 22nd through May 3rd: Curbing and sidewalk installation; May 6th through May 10th: existing pavement grinding and new pavement installation and May 13th through May 17th: painting pavement markings and traffic lines. The Temp Bridge pier removal: S&R will bring in barges beginning the week of April 8th and will work on removing the bridge piers from that time until mid-May.

C. FY 2014 budget – review/discuss

The Finance Committee at their March 21 meeting voted to recommend the use of \$199,478 from Free Cash to supplement the Fiscal Year 2014 Town Budget, and to utilize up to \$200,000 in potentially available overlay surplus funds to offset a potential snow/ice carryover. Utilizing the revenue allocation provided by the Finance Committee, the Town's level service operating budget would need to be reduced by \$268,394. This reduction amount is after having eliminating \$194,161 in requests above level service. After incorporating a favorable report on our Worker's compensation premium projection, the non-school department projected portion of the deficit is now \$263,857. At the March 25th meeting the Board asked the Administrator to review all departmental requests and offer a recommendation for reductions. The Finance Coordinator/Town Treasurer and the Administrator met with department heads and requested that they identify potential areas for reduction with the intention of avoiding direct service impacts. While department heads expressed concern regarding the need to make reductions, they also expressed an understanding of the challenges that the Town faces in FY 2014. After reviewing all of the

alternatives the Board has an opportunity to make reductions to operating budgets without needing to directly impact services to our residents and without jeopardizing individual departmental budgets. The equipment and maintenance investments made in FY2013, during which there has been more flexibility in the budget, will reduce the risk associated with some of the reductions recommended. The Administrator read the reductions from a prepared worksheet. The Board thanked the Administrator and the Finance Coordinator/Town Treasurer for the Administrator and Assistants for job well done. The Board is in full support and voted 4-0-0 on a motion by Selectman Reault, second by Selectwoman Puleo to modify the requests as presented.

6. Citizen/Business Time – No one came forward this evening.

Citizens or business owners may contact the Office of the Selectmen to request to address the Selectmen during citizen/business time. Citizens or business owners who have not contacted the Office of the Selectmen in advance may address the Board of Selectmen on matters of interest to the public for not more than five (5) minutes.

7. Correspondence

A list of correspondence will be included with approved meeting minutes per the requirements of the Massachusetts Open Meeting Law and may be posted online at www.tyngsboroughma.gov. Copies of correspondence may be requested from the Office of the Board of Selectmen.

A. Action

The Board voted 4-0-0 on a motion by Selectman Reault, second by Selectwoman Puleo to accept the correspondence as read.

- 1) Town Counsel response to question on Town Facility use Policy. To be address at the next Selectmen's meeting.
- 2) Administrator for Pheasant Lane Mall for a Special Permit for a Charity Event. The hearing has been scheduled for May 7th.
- 3) GMRI, Inc. Manager Change Request for Bahama Breeze. The hearing has been scheduled for May 7th
- 4) Request for Comment for Zoning By-laws Addition for the Planning Board. The Board had no comments.
- 5) Resident a request for transfer of land. The Town Administrator will have more info for the next meeting.

B. Informational

The Board voted 4-0-0 on a motion by Selectman Reault, second by Selectman Lambert to accept the correspondence as read.

The Board received information from the Tree Warden on his assessment of the Pine Tree near the OTH bldg. the tree is old and dangerous it will be taken down and a new one planted. One additional piece of correspondence from the Executive Office of Public Safety was received and the Board may want to look at it; there is information on available grant funding.

8. Review of Weekly Warrants

The Administrator read the weekly warrants into the record as follows: Warrant #41P for \$817,673.91 on 4/8/2013; Warrant #41B for \$674,553.45 on 4/8/2013; Warrant #41S for \$171,231.14 on 4/8/2013; Warrant #40S for \$115,495.27 on 4/1/2013; Warrant #40B for \$334,665.40 on 4/1/2013.

9. Town Administrator's Reports

- Response to Selectmen's Requests

Attached are drafts of correspondence regarding the recording of public meetings, the will be distributed this memos on Tuesday April 9. Also attached is a copy of comment submitted in regard to the proposed Tyngsboro Crossing project.

- Budget

A comprehensive report was submitted under separate cover for Board discussion.

- Departmental Information

Attached is a letter re the Town website domain. The Board is requested to approve the signing of this letter to maintain the web address www.tyngsboroughma.gov. The Historical Commission requested the assistance of the Town Administrator's office to review potential grant funding opportunities for the inventorying or development of historic buildings. Ms. Nazarian is looking at alternatives and we anticipate working with the Commission to begin dialogue with the state Historical Commission.

- Contracting/Procurement
- Other

I would like to thank National Grid for their assistance provided to the Town to coordinate street opening and other logistics associated with the OTH project. Mr. Gendall and his staff worked directly with our Wiring Inspector, Joe Smith, to ensure that this critical infrastructure work occurred at the appropriate time during this significant rehabilitation project. This week, the Norway Spruce tree next to the OTH will be removed to allow for work on the exterior to begin. As was discussed one year ago, while the tree has a special role in the history of the Town, it is affecting the foundation of the building, a retaining wall along the driveway, and the siding of the building. The tree has been evaluated by the Tree Warden and must be removed.

10. Selectmen's Reports

Selectman Lambert submitted one new piece of correspondence; the Administrator read the Conservation Commissions Nature Trail information and a thank you to the Administrator and his team for preparing a budget that works. Selectwoman Puleo read the notice for Earth Day and the clean-up kits can be found at the Library. Selectman Jackson has asked the Administrator to contact our State Elected Officials and ask for a progress report on the Town's priority list.

11. Executive Session (if needed)

The board may move to go into executive session to discuss strategy with respect to collective bargaining, litigation, or exempt negotiations if an open meeting may have a detrimental effect on such subject matters.

The Board voted 4-0-0 on a motion by Selectman Reault, second by Selectman Lambert to enter into Executive Session to discuss for the following :

- A. Exemption Three – To discuss strategy with respect to collective bargaining if an open meeting may have a detrimental effect on the bargaining of the public body and the chair so declares – Clerical Union, Highway Union, Mid-Managers Union
- B. Exemption Seven - To comply with, or act under the authority of, any general or special law or federal grant-in-aid requirements – MGL Ch. 214 Sec. 1B

and to exit executive session only to adjourn. Roll Call Vote: Selectman Rick Reault, yes; Selectman Robert Jackson, yes; Selectwoman Karyn Puleo, yes; Selectman Corliss Lambert, yes.

The Board entered into Executive Session at 9:10 PM.

12. Adjournment

The Board voted 4-0-0 on a motion by Selectman Lambert, second by Selectwoman Puleo to exit executive session and to adjourn the meeting at 10:00 PM.

Respectfully submitted

Therese Gay
Admin Assistant

Approved on: Monday April 22, 2013